

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG**

**THOMAS M. MORTIMER,**

Petitioner,

v.

**CIVIL ACTION NO. 3:06-CV-130  
(BAILEY)**

**DOMINIC A. GUTIERREZ,**

Respondent.

**ORDER DENYING MOTION FOR RECONSIDERATION**

The above-styled matter is now before the Court pursuant to the petitioner's Motion for Reconsideration of Court's Order Denying Petitioner's Declaration [Doc. 20]. In his motion, the petitioner seeks reconsideration of this Court's Order, which denied the petitioner's request for an injunction against the BOP allowing it to place him in an RRC.

In that Order, this Court noted that it had previously granted the petitioner relief, which required the BOP to consider him for CCC placement pursuant to the five factors set forth in 18 U.S.C. § 3621(b). Additionally, in that Order, the Court cautioned the petitioner that the ruling did not entitle him to an Order from this Court directing that he be immediately transferred to a CCC. The Court noted records, which indicate that the BOP has complied with this Court's Order by properly considering the petitioner pursuant to the five factors. As such, the Court found that it can do no more. Yet another reading of 18 U.S.C. §§ 3621 and 3624, as urged by the petitioner, reveals nothing of any significance that would alter this Court's previous findings.

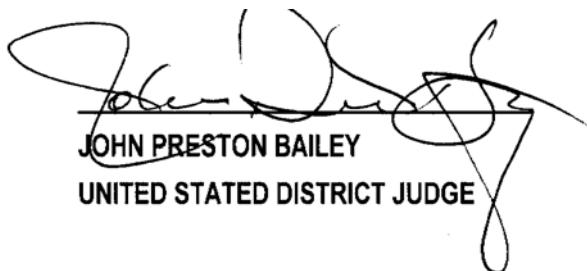
Therefore, after consideration of the grounds in support, this Court must again deny

the motion. Accordingly, the petitioner's motion for reconsideration [Doc. 20] is hereby  
**DENIED.**

It is so **ORDERED.**

The Clerk is directed to transmit copies of this Order to all counsel of record, and to  
mail a certified copy to the *pro se* petitioner.

**DATED:** November 27, 2007.



JOHN PRESTON BAILEY  
UNITED STATES DISTRICT JUDGE